

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE

UNITED STATES OF AMERICA)	
)	
v.)	NO.: 3:08-cr-142
)	JUDGES PHILLIPS/SHIRLEY
DAVID C. KERNELL)	

**SUPPLEMENT TO DAVID KERNELL'S MOTION
TO AUTHORIZE ISSUANCE OF SUBPOENAS
FOR PRETRIAL PRODUCTION OF EVIDENTIARY MATERIAL**

Comes the defendant, David Kernell, and hereby supplements his Motion to Authorize Issuance of Subpoenas for Pretrial Production of Evidentiary Material. [Doc. 36]

1. Mr. Kernell has sought this Court's permission to issue a limited number of subpoenas requiring pretrial production of evidence necessary for adequate trial preparation.

2. At the hearing on the motion, the Court noted the breadth of one of the requests proposed to be sent to the Office of the Governor and/or Governor Palin.

3. The Court gave counsel an opportunity to narrow the request.

4. As pointed out by counsel for Mr. Kernell, the breadth of the request is caused by the way the government has framed the charge of unauthorized computer access as allegedly being made a felony based on the vague tort of invasion of privacy. Nevertheless, counsel has attempted to narrow the request.

5. The original request was as follows:

(8) Any documents in your custody, possession, or control which relate, reflect, and/or refer in any manner to any voluntary disclosure of e-mail addresses of family members, pictures of Governor Palin's family, cell phone numbers of family members, dates of birth of Governor Palin and

members of her family and/or the address book for the Yahoo! e-mail account, which are alleged to be confidential and personal information in the indictment.

6. The request can be narrowed as follows:

(8) Any documents in your custody, possession, or control which relate, reflect, and/or refer in any manner to any prior public disclosure of e-mail addresses of family members, cell phone numbers of family members, dates of birth of Governor Palin and members of her family and/or the address book for the Yahoo! e-mail account, which are alleged to be confidential and personal information in the indictment.

7. Additionally, the request now needs to be modified to request separate subpoenas for the Office of the Governor and to Governor Palin personally, who can be served through her personal counsel.

Respectfully submitted this 27th day of July, 2009

RITCHIE, DILLARD & DAVIES, P.C.

/s/ WADE V. DAVIES

WADE V. DAVIES [BPR #016052]

ANNE E. PASSINO [BPR #027456]

606 W. Main Street, Suite 300

P. O. Box 1126

Knoxville, TN 37901-1126

(865) 637-0661

Counsel for David C. Kernell

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and exact copy of the foregoing has been filed electronically this 27th day of July, 2009. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. Parties may access this filing through the Court's electronic filing system.

/s/ Wade V. Davies

WADE V. DAVIES